

# MONTGOMERY COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

NO.

PAGE

1 OF 5

DATE

March 7, 1991

DIRECTOR APPROVAL

TITLE

WORKERS' COMPENSATION CLAIMS

#### PURPOSE

1.0 To establish guidelines for the completion and submission of Workers' Compensation claims for personnel of the Montgomery County Department of Fire and Rescue Services.

#### APPLICABILITY.

2.0 All DFRS personnel.

#### DEFINITIONS

- 3.0 <u>Claims Administrator</u> For primary insurance, an independent adjuster under contract to the Division of Risk Management, for the Montgomery County self-insurance program.
- 3.1 Accidental Injury An accidental injury arising out of and in the course of employment as defined by the Workers' Compensation Statute and as interpreted by Maryland case law.
- 3.2 <u>Insurance Administrator</u> For primary insurance coverage: Risk Management, a Division of Montgomery County Government, acting for Montgomery County Self Insurance Program.
- 3.3 Occupational Disease An ailment, disorder, or illness which is the expectable result of working under conditions inherent in employment with the Department, which arises out of and in the course of employment, as defined by the Maryland Worker's Compensation statute and as interpreted by Maryland Case Law.

#### POLICY

4.0 It is the policy of DFRS to submit to the Insurance Administrator any Supervisor's Incident Investigation Report (SIIR) received on behalf of an employee, regardless of how or where the employee claims an injury occurred. It is also the policy of the DFRS to submit, in writing to the Insurance Administrator, any report received which, in the opinion of DFRS, indicates that the injury is not the responsibility of the employer. One copy of the report must be given to the injured employee.



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- 4.1 Supervisors will immediately report an employee's injury through the chain-of-command to the on-duty District Chief or Shift Operations Chief. Upon certification of an employee's on-duty District Chief or Shift Operations Chief, approved by the Director of DFRS, and based on written certification by an employee's physician, if presented, that an employee is absent due to a service connected injury/illness, the employee shall immediately be placed on administrative leave until a determination concerning eligibility for compensation has been made by the Division of Risk Management, Department of Finance. It is further agreed that if the disability status is denied by the Division of Risk Management, the employee's pay or leave balance shall be adjusted. (Ref: Local 1664 Contract, Article 10, Section 10.1 Service Connected Injury, July 1989).
- 4.2 To efficiently administer Section 4.1, the Director, Department of Fire and Rescue Services has delegated approval authority to the Bureau Chiefs.
- 4.3 Assignment to administrative leave may be conveyed via telephone or radio between the Bureau Chief and District/Shift Operations Chief.
- 4.4 Employees will be charged sick leave whenever the Insurance Adjuster discontinues benefits prior to the employee returning to work.
- 4.5 Personnel sustaining a work related injury will, when practical, take one copy of form AD88001 (Medical Evaluation of Work Status) to the licensed health care provider and have the form completed by the attending physician. In lieu of the form, a signed note from the health care provider attached to the form will suffice.
- Prior to returning to duty following any work related injury, employees will present Form AD 88001 (Medical Evaluation of Work Status) completed by the licensed health care provider, to the Senior Career Officer. Employees will then be required to be seen by the Employee Medical Examiner at the Occupational Medical Section to be released for duty. In extenuating circumstances, the on-duty Shift Operations Chief or District Chief may waive the return to work requirement.
- 4.7 For the purpose of applying this policy, off-duty DFRS personnel who are injured while performing an emergency service in Montgomery County, Maryland, attending a Department approved training class, or while participating as a volunteer firefighter/rescuer for a Montgomery County Corporation will be covered as if on-duty.



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#### RESPONSIBILITY

- 5.0 Employees who become injured or suspect that they may have been injured in the line of duty are responsible for reporting the incident to their supervisor, regardless of how minor the injury may appear.
- 5.1 Upon notification of any injury, the supervisor is responsible for completing required reports as outlined in Section 6.1 of this Policy. All completed reports will be forwarded to the Senior Career Officer and a copy will be issued to the injured employee.
- 5.2 The Senior Career Officer is responsible for reviewing all required reports and for submitting all information to the Division of Risk Management.
- 5.3 The on-duty supervisor is responsible for advising the on-duty District Chief or Shift Operations Chief of the injury and obtaining from them the appropriate pay status to carry the employee on.
- 5.4 All personnel are responsible for providing pertinent information regarding their medical condition to the Claims Administrator.
- 5.5 All personnel are responsible for informing their physician and/or hospital, at the time of treatment, to send bills directly to the Claims Administrator or the injured party's Worker's Compensation Attorney for processing. The address for the current Claims Administrator is:

Montgomery County Claims 50 Monroe Street, Suite 301 Rockville, Maryland 20850

The Senior Career Officer is responsible for sending a memorandum to the Payroll Section if an employee is to be recredited or charged sick leave. This will only be authorized after either Risk Management, the Claims Administrator, or the Workers' Compensation Commission confirms that the claim is compensable. The memorandum must contain the exact date(s) and hour(s) that the employee was off and documentation to substantiate time lost due to the injury. A copy of the memorandum will be issued to the employee.



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#### PROCEDURE

- 6.0 All employees must immediately report any injury sustained while on duty to their on-duty supervisor.
- 6.1 The supervisor must complete a Supervisor's Incident Investigation Report (Attachment 7.2) and an Employer's First Report of Injury Form (Attachment 7.1) with full documentation on the circumstances of the injury or illness.
- 6.2 The employee must review and sign the completed SIIR. A copy must be made and issued to the employee.
- 6.3 All reports must be submitted to the Senior Career Officer immediately after completion.
- 6.4 The Senior Career Officer must review, complete, and submit all reports to the Division of Risk Management within four calendar days of receiving them. One Xeroxed copy of the reports must be forwarded to the DFRS Safety Officer. The "Agency" copy must be forwarded to the Bureau of Management Services for inclusion in the employee's personnel file.
- 6.5 The on-duty supervisor will immediately notify the on-duty District Chief or Shift Operations Chief of the accident. The District/Shift Operations Chief will certify that the injury is job-related as appropriate, and authorize the employee to be carried on administrative leave.
- 6.6 When practical, an injured employee who requires medical treatment will take one copy of form AD88001 to the medical facility and have the licensed health care provider complete the form.
- 6.7 An employee who has been awarded a permanent partial disability from the Workers' Compensation Commission will be charged sick leave for subsequent visits to his/her physician for treatment of the compensated injury, unless considered a temporary total disability.
- 6.8 The employee must complete a Workers' Compensation Commission Form MP-Cl (Attachment 7.3) and submit it to the Worker's Compensation Commission for all injuries that result in more than three consecutive calendar days off from work. By law, employees within two years from the date of an injury or onset of illness may file a claim for less serious injuries.



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6.9 Employees who are ready to return to work must submit to the Senior Career Officer a completed Form AD 88001 (Medical Evaluation of Work Status), or a note from the health care provider attached to a Form AD88001.

6.10 Upon receipt of a medical release (as outlined in Section 6.9, above), the Senior Career Officer, will immediately schedule the employee for a back to work physical examination with the Occupational Medical Section.

#### ATTACHMENT

- 7.0 Medical Evaluation of Work Status.
- 7.1 Employer's First Report of Injury Form (CSI FI).
- 7.2 Supervisor's Incident Investigation Report (SIIR). (3 parts)
- 7.3 Workers' Compensation Commission Form MP-Cl Employee's Claim.
- 7.4 DFRS Designators for use on SIIR.

#### CANCELLATION

8.0 This policy hereby cancels the previous policy on this subject issued on 12/21/89.

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### DEPARTMENT OF FIRE AND RESCUE SERVICES MONTGOMERY COUNTY, MD.

Attachment 7.0

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DATE OF THIS REPORT

PREPARER'S NAME & TITLE





Montgomery County Government Department of Finance • Division of Risk Management



# SUPERVISOR'S INCIDENT INVESTIGATION REPORT

(Privileged and Confidential)

SAFETY SECTION USE ONLY

Follow specific County or Departme											
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1034- Maintenance (Repair) of Equipment, or Grounds 1035- Maintenance/Repair/Ref 1036- Maintenance/Repair of F 1037- Maintenance/Repair, Otl 2075- Moving to/from Location	Building, Building fueling Highway Vehicle Road/Highway her	1040- Office Tasks 1041- Operaling/Riding in/on a Motor Vehicle Responding/Returning) 1042- Operaling/Using Hand/Power Tools 1043- Physical Fitness Activities/Recreation/National Testing (individual Sports)		1047- Multiple Tasks or Unknown (Use for Illnesses and Exposures Only, When Applicable) 1048- Other, Not Listed Above: Specify Below:
1049- Controlling Suspect/Pris 1050- Controlling/Capturing a 1051- Fighting a Fire 1052- Firefighting Drill (Live)	soner/Patient In Animal	TASKS SPECIFIC TO PUBLIC SAF 1053- Haz-Mat Incident 1054- Non-Emergency Operations at the Scene of a 1055- Pursuing a Suspect 1056- Rescue Call		1057- Responding to an Emergency 1058- Returning from an Emergency 1059- Training Evolution (Firefighting - See #1052)

OCCUPATIONAL INJURY/ILLNE	SS/EXPOSURE INFORMATION
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INCIDENT CLASSIFICATION  1060- Caught In, Under, or Between 1061- Caught or Trapped in an Enclosed Area 1062- Contact with Electric Current 1063- Contact with Foreign Matter (ie. Dirt in Eyes) 1064- Contact with Sharp Object	1070- Exposure to Infectious Substances 1071- Fall from Vehicle/Apparatus 1072- Fall into Floor Opening, Open Shaft 1073- Fall on Same Level 1074- Fall to Different Level	1078- Psychological Trauma 1079- Repetition of Pressure/Motion (ie. Noise, C 1080- Rubbed or Abraded 1081- Slip/Trip (Without Fall) 1082- Struck Against 1083- Struck By		
1065- Contact with Temperature Extremes (Burns, etc.) 1066-Exposure to Environmental Cold 1067- Exposure to Environmental Heat 1068- Exposure to Fire Products 1069- Exposure to Hazardous Substances/Chemicals	1075- Gunshot 1076- Physical Overexertion/Overextension 1077- Public Transportation Accident (in which Injured was a Passenger)	1084- Other, Not Listed Above; Specify Below:		

K) BODILY ACTIVITY AT TIME OF INCIDENT						
1085- Bending 1086- Climbing 1087- Crawling 1088- Driving	1089- Jumping/Landing 1090- Kneeling 1091- Lifting 1092- Lying Down	1093- Mounting/Dismounting Vehicle or Equipment 1094- Pulling 1095- Pushing	1096- Reaching or Stretching 1097- Riding 1098- Running 1099- Sitting	1100- Standing 1101- Twisting 1102- Walking 1103- Multiple Actions 1104- Unknown		

NATURE OF INJURY/ILLNESS  1105- Abrasion 1106- Amoutation 1107- Bite. Animal, Human or Insect 1108- Biunt/Penetrating Trauma 1109- Bruise/Contusion 1110- Burn (Chemical) 1111- Burn (Electrical)	1113- Concussion/Unconscious 1114- Contagious/Infectious Disease 1115- Cut/Scratch Laceration/Puncture 1116- Dislocation 1117- Electric Shock 1118- Fatality 1119- Foreign Substance	1121- Freezing/Frostbite/Hypothermia 1122- Heat Stroke/Stress 1123- Hernia/Rupture 1124- Impaired Sensory Perception 1125- Inflammation 1126- Injection 1127- Irritation	1129- Poisoning, Systemic 1130- Psychological Disorder 1131- Radiation Effects 1132- Separation/Avulsion 1133- Sprain/Strain 1134- Suffocation/Asphyxiation 1135- Other Injury Nature; Specify Below
1112- Burn or Scald (Heat)	1120- Fracture	1128- Muscle Spasm	

A) BODY PART MOST AFFI 1136- Right 1137- Left 1138- Both 1139- Not Applicable	HEAD/NECK 1140- Ear(s)/Hearing 1141- Eye(s)/Sight 1142- Face 1143- Jaw 1144- Mouth/Teeth 1145- Nose 1146- Scalp/Skull 1147- Neck/Throat	UPPER EXTREMITIES 1148- Arm, Upper or Lower 1149- Elbow 1150- Finger(s)/Thumb 1151- Hand 1152- Wrist TRUNK 1153- Abdomen	1156- Back, Lower 1157- Chest 1158- Groin/Genitalia 1159- Hip/Buttock 1160- Shoulder LOWER EXTREMITIES 1161- Ankle 1162- Foot 1163- Knee	1165- Leg. Lower 1166- Toe(s) BODY SYSTEMS 1167- Cardiovascular System 1168- Digestive System 1169- Nervous System 1170- Respiratory System 1171- Skin 1172- Entire Body
		1154- Back, Upper 1155- Back, Middle	1164- Leg. Upper	(Use for Some Illnesses and Exposures

N SOURCE OF INJURY, ILLNES	S, OR EXPOSURE				 					 
Indicate Below the Specific Object. Sub-	stance or Environmental (	Condition which Cause	ed the Injury, Illness	or Exposure:						
				64			- 22	12	1.2	

#### Attachment 7.3 EMPLOYEE'S CLAIM Claim No. WORKERS' COMPENSATION COMMISSION Insurance Co. and Code No. 6 NORTH LIBERTY STREET BALTIMORE, MARYLAND 21201-3785 Yesi No BALTIMORE PHONE (301) 333-4700 Commission has received Co. TOLL FREE PHONE 1-800-492-0479 IN MARYLAND Employer's Report BALTIMORE TTY FOR DEAF 383-7555 Doctor's Report Co. Claim No DO NOT WRITE 2. Phone No. Middle Name Last Name First Name SPACE BELOW Zip Code 1 INS. CO 1 City County State Hailing Address 7. Single Marmed 8. What was your regular work? 2 ATTY 5. Sex 6. Date of Birth Social Security Number 3 INS. CO 2 10. Were you paid full wages for the day 11. What was your work when injured? pross wages or earnings (including Tips, Bonus. Per week of the accident? Yes No ertime, Allowances) at time of accident 4 ATTY 13. Nature of Employer's business (type business, work done, 2. Full and correct business name of your employer kind of trade, etc.) 5 EMPLOYER 14. Location where accident occurred Complete address Have you given him/her notice of injury? 6 EMP. ATTY. City Zip Code 15. Name of Foreman Yes No 16. Give date of first day you could not work because of inury or disease 7 CLMT ATTY Employer phone no. even if it was a day you normally do not work. 8 CAUSE 18. If occupational disease, give date of disablement. am 🗌 Date of Accident: pm 🗌 month day year 19 at 9 BODY LOC. Describe how accidental injury occurred OR describe how occupational disease occurred 10 CLASS CODE 11 N. OF I. 12 INDUSTRY If yes, describe loss Vhat member of your body was injured? 21. Has injury resulted in amoutation 13 M.L. Yes No 23 Have you returned to work? If "Yes", on what date did you return? )id you request your employer to provide Has he done so? nedical care? Yes No 14 ILL EMP. Yes No Yes \ No \ 25. If an Attorney is representing you in this case give his name, lame and Address of Attending Physician: address and phone no. 15 O.D. vere you in a hospital? If "Yes", give name and address of hospital: 16 MEDICAL If "No", give claim no, this the only Workers' Compensation claim you have filed for this Accident or Occupational Disease? 17 HEALTH Yes No Health Insurance used, give name of Insurance Co. eby make claim for compensation for an injury resulting in my disability, due to an accident (or disease) arising out of, and in the course of my employment, n support of it I make the foregoing statement of facts. KEEP 2ND PAGE FOR YOUR RECORD - READ REVERSE BEFORE SIGNING SIGNATURE\_ EMPLOYEE FULL NAME DO NOT WRITE IN THIS SPACE 22 ATTENTION: FOR EMPLOYER AND INSURER INFORMATION ONLY Consideration Date: Unless the compensability of this claim is contested by the filing of issues 23 an appropriate award with the Commision on or before will be passed. Correct Name of Employer according to Commission Records (if different from Para. 12) 25

#### DISCLOSURE PURSUANT TO EXECUTIVE ORDER 01.01.1983.18

The personal information requested on this form in intended to be used in processing your claim for benefits under worker's compensation laws.

2. Failure to provide the information requested may result in delay of your claim for benefits.

- 3. You have a right to inspect, amend and correct the information provided on this form pursuant to Sections 1-5 of Article 76A of the Maryland Annotated Code.
- 4. This form will be made part of your claim file and is generally available for public inspection.
- 5. The information contained on this form is routinely shared with State, Federal or local government agencies.

### QUESTIONS AND ANSWERS ABOUT MARYLAND WORKERS' COMPENSATION LAW

#### WHAT IS WORKERS' COMPENSATION?

Workers' Compensation is an insurance program which your employer provides you with medical treatment and partial income replacement benefits and for any permanent disability you may have sustained.

#### WHO PAYS?

If your claim is found to be compensable, your weekly benefits and all medical bills will be paid by your employer or the insurance company, which represents your employer. Do not send bills to the Workers' Compensation Commission.

### HOW LONG DO I HAVE TO WORK TO BE COVERED UNDER WORKERS' COMPENSATION?

You are covered from the first day you are on the job.

### HOW DO I KNOW IF THE COMPANY I WORK FOR IS COVERED BY WORKERS' COMPENSATION?

e upper right hand corner of your claim form will be the ne of the insurance company covering your employer.

#### WHEN SHOULD I REPORT THE ACCIDENT?

You should report any accident to your employer immediately. A delay in reporting may affect your claim.

#### HOW DO I FILE A CLAIM?

If your employer does not have a claim form, the Workers' Compensation Commission will provide you with one and all the necessary information you may need. All forms are provided free of charge.

#### WHAT DO I DO ABOUT A DOCTOR?

If your employer does not provide a doctor, you may choose your own.

#### WHO PAYS FOR THE DOCTOR?

Your company will pay for your doctor's visit if the injury was caused by an accident on the job.

### WHAT MEDICAL TREATMENT WILL WORKERS' COMPENSATION INSURANCE PAY FOR?

All doctor bills, hospital bills, physical therapy, prescriptions, and necessary expenses are covered by this insurance.

#### WHEN AM I ENTITLED TO BENEFITS?

You are entitled to benefits if you miss more than three (3) days from work. If you miss more than 14 days, you will be for the first three days, provided your employer did not you for any of these days. A claim number is assigned the Commission and a consideration date is placed on the bottom of the form. The consideration date means we allow your employer or his insurer until that date to raise any objections they may have to your claim.

#### HOW MUCH WILL MY WEEKLY BENEFITS BE?

You should receive two-thirds of your average weekly wage, but not more than the State's average weekly wage for the year that the accident occurred.

HOW LONG WILL I RECEIVE WEEKLY BENEFITS?
You will receive benefits so long as you are unable to work because of the injury.

### WHAT IF MY INJURY PREVENTS ME FROM RETURNING TO MY JOB?

If you are not capable of returning to your job.or some other job for which you are qualified, you may be eligible for vocational rehabilitation. Call the Worker's Compensation Commission.

### WHAT KIND OF BENEFITS WILL I RECEIVE IF I HAVE PERMANENT DISABILITY?

You will receive weekly benefits based on the type and extent of your permanent disability.

#### WHAT HAPPENS AFTER I FILE A CLAIM?

If you do not receive any benefits, you may request a hearing before the Workers' Compensation Commission. Your case will be decided by a Commissioner who listens to both sides of the case and determines what benefits if any, you should receive. The Commissioner's decision will be based on the law and facts involved.

#### DO I HAVE TO HAVE A LAWYER?

You may have an attorney of your choice to represent you, or you may represent yourself. The Commissioner can not be your attorney.

#### WHO PAYS THE ATTORNEY?

Do not pay money to anyone to assist you with your claim. If you hire a lawyer, the Commission will fix his fee. If an award is made to you, the fee will be deducted from your award and paid separately by the employer or insurance company to the attorney.

### WHAT IF I WANT TO HIRE A LAWYER BUT DON'T KNOW ONE?

If you are a resident of Maryland, you may call the Lawyer Referral Service by dialing 539-3112 in Baltimore. You may also check your phone directory for the number of a local lawyer referral service.

THE ABOVE INFORMATION IS

INTENDED TO BE ONLY

A GENERAL GUIDE ON

MARYLAND WORKERS' COMPENSATION.

#### ATTACHMENT 7.4

# DEPARTMENT OF FIRE AND RESCUE SERVICES DEPARTMENT/DIVISION/SECTION DESIGNATORS FOR USE ON SUPERVISOR'S INCIDENT INVESTIGATION REPORT

DEPARTMENT	DIVISION	SECTION
FIRE/RESCUE	FIELD SUPP SVCS FIELD SUPP SVCS FIELD SUPP SVCS FIRE PREVENTION FIRE PREVENTION FIRE PREVENTION FIRE PREVENTION OPERATIONS OPERATIONS OPERATIONS DIS1 OPERATIONS DIS1 OPERATIONS DIS1 OPERATIONS DIS1	ADMIN COMMUNIC TRAINING ADMIN EDUCATION FIRE SAF INVESTIGE PLANS READMIN EMS STA 12 STA 15 STA 16 STA 19 STA 24 STA 20 STA 20 STA 20 STA 20 STA 21 STA 23 STA 23 STA 23 STA 23 STA 23 STA 23 STA 25 STA 31 STA 25 STA 25 STA 4 STA 25 STA 4 STA 25 STA 4 STA 5 STA